UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

COPY MAILED

DEC 18 2009

OFFICE OF PETITIONS

In re Application of :
Rao, et al. :
Application No. 10/678,767 : DECISION ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. 11013.0004-00000 :

This is a decision on the petition filed September 3, 2009, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed November 27, 2007 be withdrawn The $400.00 petition fee has been received.

The petition is **granted**.

Petitioners assert that prior-filed Application No. 11/192,885 has been abandoned and the claims of the pending application do not require a terminal disclaimer over the abandoned application. Therefore, the basis for the previous obviousness-type double patenting rejection has been removed and there is no further need for the disclaimer to remain recorded against this application. The undersigned has consulted with the examiner in charge of this application, and has found that the examiner concurs with petitioners' assertion. Accordingly, the terminal disclaimer is withdrawn.

The application will be referred to Technology Center A.U. 3411 for alteration of USPTO records for the above-identified application consistent with this decision and for consideration of the RCE and amendment filed on September 3, 2009.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions